SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, ~~1948~~ 149

No. ~~452~~ 16

LEROY GRAHAM, ET AL.,

Petitioners,

vs.

BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

BRIEF FOR BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN IN OPPOSITION

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Opinions Below

The opinion of the District Court granting petitioners a preliminary injunction is reported in 74 F. Supp. 663. The opinion of the Court of Appeals (R. 73) has not yet been reported.

Jurisdiction

The judgment of the Court of Appeals was entered on October 26, 1948 (R. 80). The jurisdiction of this Court is

invoked under Section 240(a) of the Judicial Code, as amended (now 28 U. S. C. Sec. 1254).

Questions Presented

1. Whether this Court should exercise its discretionary jurisdiction to review an apparently correct decision of the Court of Appeals for the District of Columbia Circuit holding the purely local venue statute inapplicable to a case cognizable under the District Court's Federal jurisdiction and whose entertainment in that Court is prohibited by the terms of the Federal venue statute because the defendant is not an inhabitant of the District of Columbia. Whether in any event the decision of the Court of Appeals is not so clearly correct as not to warrant review.

2. Whether the class action device can be used to evade the Federal venue statute's prohibition against suing a non-inhabitant association that is suable as an entity in the district of its inhabitancy; if so whether the Court below erroneously found the named members of the class to be not adequately representative.

3. Whether Section 301(c) of the Labor-Management Relations Act, 1947, has any application to a railway labor organization engaged exclusively in representing employees subject to the Railway Labor Act in dealings with employers subject to the Railway Labor Act.

Statutes Involved

The pertinent provisions of the statutes involved in this case are set out in the Appendix.

Statement

The petitioners, 21 non-residents of the District of Columbia, instituted a proceeding in the District Court of the

United States for the District of Columbia alleging jurisdiction in that Court because the proceeding was one arising under the Constitution and laws of the United States (R. 1, 14) Named as defendants were three railroads, the Brotherhood of Locomotive Firemen and Enginemen, two local lodges of the Brotherhood and certain local officials of those local lodges. The local lodges named are situated in the District of Columbia but are not claimed to have had any participation in or connection with the acts complained of. The Brotherhood of Locomotive Firemen and Enginemen is an unincorporated association maintaining its headquarters and principal office in Cleveland, Ohio (R. 41).

The complaint alleged that the defendants were engaged in certain practices which were alleged to be illegally discriminatory against the plaintiffs, and sought a preliminary injunction, a permanent injunction and damages.

Prior to answering, the Brotherhood moved to dismiss on several grounds including the ground of improper venue. The District Court overruled these motions and granted a preliminary injunction (R. 66). The Brotherhood thereupon petitioned the Court of Appeals for the District of Columbia Circuit for the allowance of a special appeal under D. C. Code, Section 17-101, which was allowed (R. 73).

Upon the appeal the Brotherhood urged reversal upon the several grounds upon which dismissal had been sought and the preliminary injunction opposed in the District Court. The Court of Appeals, however, found it unnecessary to pass upon any of the issues other than that of improper venue. (R. 74) It held that venue was mischosen because the Brotherhood is not an inhabitant of the District of Columbia and that the action could not be sustained by treating the Brotherhood as a class. It is only that determination of venue which the petition seeks to review.

There is apparently no claim that the Brotherhood is an inhabitant of the District of Columbia or that if the Federal venue statute applies it is subject to suit in the District of Columbia other than through the device of a class action or by virtue of Section 301(c) of the Labor-Management Relations Act, 1947.

Argument

The sole basis of the decision below, and the sole question before this Court on the petition for certiorari, involves the applicability of the local venue statute of the District of Columbia (D. C. Code, Sec. 11-306, 308) to these proceedings.[1] That statute is exclusively a local statute, in force only in the District of Columbia, and governing no courts other than those in the District of Columbia. Under the decisions of this Court, and under subsection 5 of rule 38, such decision of the Court of Appeals for the District of Columbia Circuit will not ordinarily be reviewed. If the Federal venue statute (28 U. S. C., Sec. 112) is applicable, the proceedings against the respondent, the Brotherhood of Locomotive Firemen and Enginemen, were improperly initiated in the District of Columbia. If the local venue statute were applicable, one interpretation of the facts might have made venue proper in the District of Columbia, but the Court of Appeals found the local venue statute inapplicable.

All the discussion of petitioners concerning the merits of the controversy, and the contents of affidavits and memoranda concering the merits, is thus wholly irrelevant. And such discussion is predicated upon an *ex parte* statement of the facts pertaining to the controversy. The issues now

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[1] In the Court below, respondents urged three additional grounds for reversal but the Court found it unnecessary to consider these additional grounds. In the event this case is reviewed by this Court, respondents will urge those additional grounds for affirmance.

involved in this proceeding were determined by the courts below before the answer of respondents, controverting many of the allegations, and casting a different light upon others, was filed.

I. The Decision of the Court of Appeals Holding the Local Venue Statute Inapplicable was Clearly Correct. In Any Event, It Is a Question of Local District of Columbia Law Normally to be Finally Decided by the Court of Appeals.

The petitioners argue in substance that in any proceeding brought in the United States District Court for the District of Columbia venue is properly in the District of Columbia if the case falls either within the Federal venue statute or within the local District of Columbia venue statute. They argue that the unanimous decision of the Court of Appeals in this case, holding the local venue statute inapplicable to a proceeding cognizable by the District Court sitting as a Federal court, conflicts with the decisions of this Court. But all the cases cited for such proposition are authority only for the proposition that the United States District Court for the District of Columbia has both Federal and non-Federal jurisdiction, and are not pertinent to questions of venue.

It is apparently conceded that if the Federal venue statute is applicable to this proceeding against the Brotherhood, venue does not lie in the District of Columbia. The Brotherhood is an unincorporated association which has its headquarters and principal place of business in Cleveland, Ohio. The only cases which counsel have discovered dealing explicitly with proper venue for a suit against an unincorporated association are this case decided in the Court of Appeals for the District of Columbia Circuit and

Sperry Products, Inc., v. *Association of American Railroads* decided by the Court of Appeals for the Second Circuit in 132 F. (2d) 408 (1942). The *Sperry* case, like this one, held that under the Federal venue statute venue in an action against an unincorporated association as an entity lies only in the district in which it is an inhabitant, and that it is an inhabitant only of the district in which is located its principal place of business. So far as counsel has been able to discover, no case has held to the contrary.

The jurisdictional allegations of the complaint invoked the jurisdiction of the District Court on the ground that the action arises under the Constitution and laws of the United States. (R. 1, 14.) The Court below held that in an action cognizable in the Federal courts and brought in the District Court for the District of Columbia, venue lies in the District of Columbia only under the Federal venue statute. There is apparently no disagreement that the Federal venue statute does not permit this proceeding against the Brotherhood as a suable entity. In finding that the local venue statute cannot be applied to such a situation, the Court of Appeals was passing upon a purely local question under a purely local statute. It is settled by the decisions of this Court that only in exceptional circumstances will such a determination by the Court of Appeals for the District of Columbia be reviewed by this Court, and in this case no exceptional circumstances are indicated. *Fisher* v. *United States*, 328 U. S. 463; *Busby* v. *Electric Utilities Employees Union*, 323 U. S. 72; *District of Columbia* v. *Pace*, 320 U. S. 698, 702; see *Del Vecchio* v. *Bowers*, 296 U. S. 280, 285; cf. *United Surety Co.* v. *American Fruit Products Co.*, 238 U. S. 140; *American Security & Trust Co.* v. *District of Columbia*, 224 U. S. 491.

Moreover, the unanimous decision below was a correct determination of the applicability of the local venue statute

to this proceeding. Of course, the District Court exercises both Federal jurisdiction under Article III of the Constitution and jurisdiction as a local court under Article I, but it cannot exercise both simultaneously in the same cause nor select the capacity in which it chooses to act. In *O'Donoghue* v. *United States*, 289 U. S. 516, this Court held that when the United States District Court for the District of Columbia exercises Article III judicial power, the exercise of such power cannot be affected by local legislation. See particularly page 546. Of course, the local venue statute is local legislation. It is clear that Article III judicial power extends to this controversy, and therefore we cannot look to local legislation to see whether venue lies in the District Court in this action. Since the Federal venue statute prohibits this type of suit in a Federal District Court in a district in which the defendant is not an inhabitant, to hold that a non-inhabitant of the District of Columbia may be sued in the United States District Court for the District of Columbia under the local venue statute in a case cognizable in Article III courts, would hold in substance, under the *O'Donoghue* case, that the District Court is not an Article III court.

The *O'Donoghue* case involved the question whether the District Court for the District of Columbia was a court established under Article III, so that the limitations of that Article with respect to the tenure and compensation of judges were applicable. The majority held that it was established both under Article III and Article I. The dissenting opinion urged that it was exclusively an Article I court, established pursuant to the power of Congress to provide for the government of the District of Columbia. In denial of that Court exercising Article III power the dissenting Justices showed that every power vested in the Court could be vested in it as an Article I court, therefore

in everything it did it could be acting as an Article I court, and therefore there was no need to look to Article III. It was apparently in an effort to overcome the force of that argument that the majority stated that when the District Court is exercising judicial power in a case cognizable under Article III it is exercising judicial power conferred under that Article, and such exercise is not affected by legislation pertaining to the court as a local court. In the words of this Court (at p. 546):

> "Since Congress, then, has the same power under Art. III of the Constitution to ordain and establish inferior Federal courts in the District of Columbia as in the states, whether it has done so in any particular instance depends upon the same inquiry—Does the judicial power conferred extend to the cases enumerated in that article? If it does, the judicial power thus conferred is not and cannot be affected by the additional congressional legislation, enacted under Article I, § 8, cl. 17, imposing upon such courts other duties, which, because that special power is limited to the District, Congress cannot impose upon inferior Federal courts elsewhere."

The question then becomes, is this cause cognizable in a court established under Article III? If so, the entertaining of this case is unaffected by local legislation. Clearly this cause is cognizable in the Federal courts established under Article III, and just as clearly sec. 11-306 of the D. C. Code, upon which appellees rely, is local legislation. Accordingly, we may not look to that section to determine whether venue lies in the District of Columbia, but may properly look only to the Federal venue statute. Otherwise, the purely local statute would be permitted to override the specific prohibition in the Federal venue statute against suing a non-inhabitant of the District in a Federal District Court.

The petitioners are concerned that the holding below will result in plaintiffs in the District of Columbia being able to sue under only one venue statute in certain causes of action, while plaintiffs elsewhere may have a choice of two venue statutes in cases that may be brought either in the Federal courts or in State courts. We fail to perceive the relevance of this, so long as an adequate forum is presented and a reasonable venue statute is enacted. And incidentally, not one of the twenty-one petitioners, plaintiffs below, who are so concerned with the rights of residents of the District of Columbia, is a resident of the District of Columbia.[2]

II. The Court of Appeals Correctly Decided that This Case Could Not Be Maintained as a Class Suit and Correctly Found That the Named Representatives Were Not Truly Representative of the Alleged Class.

The petitioners seek to sustain venue also on the ground that the proceeding was a class suit in addition to being a suit against the Brotherhood as a suable entity, and that since the named members of the alleged class reside in the District of Columbia venue properly lies in the District of Columbia. They assert that the decision of the Court below in this case conflicts with the decision of the Fourth Circuit in *Tunstall* v. *Brotherhood of Locomotive Firemen & Enginemen*, 148 F. (2d) 403. There are three basic errors in any such contention.

A. The *Tunstall* case in the Fourth Circuit had nothing whatever to do with venue. The only discussion in that case concerning a class suit pertained to the question of whether there had been proper service of process for such a suit.

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[2] Seven are residents of Florida, six of North Carolina, four of Virginia, two of Georgia, and one each of South Carolina and Mississippi. R. 9-13.

B. The Court below held that a class suit was not properly brought because the individuals named as representatives of the class were not in fact representative of the class for the purposes of this litigation. The District Court made no finding that the named members of the class were properly representative. The Court of Appeals held that such a finding could not be made. In the *Tunstall* case, to be sure, service of process was sustained by treating the case as a class action, but in that case the local members named as representatives of the class were governed by the collective bargaining agreement under attack, and were the very persons who would receive the job assignments to which the members of the plaintiff class claimed they were entitled. Here we have no such situation, and on the basis of these different facts the Court below distinguished the *Tunstall* case. It is not alleged that any of the members of the local lodges named in this case are employed on any of the railroads named as defendants in the proceeding brought in the District Court, and in fact none of the employees of any of those railroads is a member of or is eligible for membership in these local lodges. (R. 52). Thus the local defendants are not governed by and have no interest in the contracts under attack, and therefore are not in a position to defend the interest of those who do have an interest in those contracts.

But, say the petitioners, the question whether the members of the class sued will fairly represent the interest of the absent members does not turn on whether those joined have participated as fully as the others in the acts complained of, and that the question whether the named defendants are truly representative is not determined by technical niceties. In general, we would have no quarrel with such a proposition. But the difficulty here is that the named defendants did not participate at all and have no interest in

the acts complained of, and are unfamiliar with the allegedly wrongful contracts and the situation that gave rise to them. To ask them to defend conduct with which they are totally unfamiliar and in which they have no interest would be the clearest abuse of the class action procedure.

C. In this case, the Brotherhood was sued as a suable entity and its members were sued as a class. A class suit is improper where an unincorporated association is sued in its common name. *Sperry Products, Inc.* v. *Association of American Railroads, supra*, at p. 412. This is obviously sound. This readily appears when we recollect why class suits are permitted at all. Class suits are permitted when the parties are so numerous that it is impractical to bring them all into court. Indeed, the Federal Rules limit the use of class actions to cases where such a situation in fact exists. F. R. C. P. 23(a). In such a situation a few members fairly representative of the class are selected to represent the class. But when the members of the class are an association and are made suable as such, the necessity of permitting a class suit in such situation disappears. Thus the *Sperry* case properly held that where an unincorporated association is suable in its common name its members cannot be sued in a class suit. In the instant proceeding not only was the unincorporated association suable in its common name but it was in fact sued in its common name. In such a situation, to permit a class action also against the members of the association in the very same proceeding carries the use of the class action procedure beyond its legitimate purpose, and utilizes it simply as an evasion of the federal venue statute's prohibition against suing the non-inhabitant association in this district.

III. Section 301(c) of the Labor-Management Relations Act, 1947, Has No Possible Relevance to this Proceeding

The petitioners complain that the decision below *sub silentio* overruled their contention that venue in this proceeding lies in the District of Columbia under Section 301(c) of the Labor-Management Relations Act, 1947.

This contention was made for the first time in petitioners' brief in the Court of Appeals. In the Brotherhood's reply brief in that Court this contention was characterized as "either frivolous or a careless afterthought." The petitioners *sub silentio* concurred in that characterization, for they never again mentioned it during the course of an extended argument in the Court of Appeals. The Court of Appeals properly ignored it.

It is now apparently revived because of a patently erroneous decision of the United States District Court for the District of Columbia in *United States* v. *Brotherhood of Locomotive Engineers, et al.*, 79 Fed. Supp. 485.[3] It is abundantly clear that Section 301(c) of the Labor-Management Relations Act has no applicability to this case. That section provides that a "labor organization" may be sued in any district in which its agents represent "employee" members. But Section 501(3) of the same Act provides that whenever used in the Act the terms "employer," "employee," and "labor organization" "shall have the same meaning as when used in the National Labor Relations Act as amended by this Act." Section 2(5) of the National Labor Relations Act as amended defines the term "labor organization" so as to require any organization falling within its terms to be one in which "employees" as defined in that Act participate and which exists for the purpose, in whole or in part, of dealing with "employers" as defined

[3] That erroneous decision is now pending in the Court of Appeals for the District of Columbia Circuit, on appeal.

in that Act. The terms "employer" and "employee" are in turn defined by Section 2(2) and (3) specifically to exclude from the term "employer" any person subject to the Railway Labor Act and from the term "employee" any individual employed by such a person. Obviously, therefore, Section 301(c) of the Labor-Management Relations Act cannot confer venue since the Brotherhood neither has its principal office in the District of Columbia nor is it engaged there in representing "employees" as that term is defined. Further, since "employees" as defined do not participate in it and it does not deal with "employers" as defined it is not a "labor organization" as that term is defined.

In reviving this argument, the petitioners make two points, neither of which has any validity. They point out that Section 212 of the Labor-Management Relations Act exempted from Title II of that Act any matter subject to the provisions of the Railway Labor Act. They argue from that that Section 212 would have been superfluous if Section 501(3) meant what it clearly said, and infer that it therefore had no meaning. There is no merit to such argument, for Title II contains provisions whose scope is not dependent upon the terms "employer," "employee" and "labor organization." It was thus necessary in that Title specifically to provide that the Title should not be applicable to matters subject to the Railway Labor Act, because the definitions in Title V, even though applicable to Title II, would not adequately limit Title II. The scope of Title III, on the other hand is wholly dependent upon the meaning of the terms "employer," "employee" and "labor organization," and hence no provision beyond the definitions is necessary to effect complete exclusion.

The other argument of petitioners in reviving this contention asks this Court, in substance, to take judicial notice

of political activities allegedly engaged in by the railroad labor organizations and the alleged reasons that prompted such alleged activities. We submit that such matters are hardly appropriate items of judicial notice. And incidentally, it may be observed that Section 304 of the Labor-Management Relations Act rewrites a section of the Corrupt Practices Act and hence the question whether the provisions of Section 501(3) of the Labor-Management Relations Act remove a railway labor organization from the provisions of the amended Corrupt Practices Act, involves issues that in no wise present themselves when one concludes that Section 501(3) definitely does remove railway labor organizations from Section 301.

Finally, the petitioners are critical of the action of the Court of Appeals in directing a transfer of the case to the Northern District of Ohio pursuant to 28 U. S. C., Section 1406(a). Apparently no practice has yet developed among the Circuit Courts of Appeal as to whether in cases where those Courts find venue mischosen they will direct a transfer or remand to the District Court for a determination of the proper district, if any, to which transfer should be made. It is clear, however, that this action of the Court of Appeals can in no wise prejudice the petitioners even if it be deemed not the best practice. It is clear from the record that the Northern District of Ohio is the proper venue for a suit in the Federal courts against the Brotherhood. There is no other district to which this case could properly be transferred. If the petitioners are correct in their apprehension that jurisdiction of railroad defendants could not be obtained in that district, then the only alternative for the Courts of the District of Columbia would be to dismiss the action. A direction to transfer when a dismissal would have been in order cannot possibly prejudice the petitioners. Upon the transfer, opportunity will necessarily be afforded for a determination whether the

railroad defendants are suable in the Northern District of Ohio, and if not whether they are indispensable parties. Neither of these issues was raised or determined in this proceeding. No possible contention of petitioners is foreclosed.

Conclusion

The decision of the Court below is clearly correct, and in any event, its determination concerning the applicability of the local venue statute is within the sphere in which the determination of the Court of Appeals is normally treated as final. Likewise the determination of the Court of Appeals that certain named defendants are inadequately representative of the Brotherhood for purposes of maintaining this suit as a class suit is not one calling for review by this Court. Furthermore, the conclusion against permitting the maintenance of this suit as a class suit is squarely supported by the holding of the Second Circuit in *Sperry Products, Inc.* v. *Association of American Railroads, et al.*, 132 F. (2d) 408 (1942). The petitioners' effort to invoke Section 301(c) of the Labor-Management Relations Act, 1947, is so obviously contrary to the specific limitations of that Act as not to warrant consideration by this Court. It is therefore respectfully submitted that the petition should be denied.

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APPENDIX

28 U.S.C. § 112. Federal Venue Statute.*

"(a) Except as provided in sections 113 to 117 of this title, no person shall be arrested in one district for trial in another in any civil action before a district court; and, except as provided in sections 113 to 118 of this title, no civil suit shall be brought in any district court against any person by any original process or proceeding in any other district than that whereof he is an inhabitant; but where the jurisdiction is founded only on the fact that the action is between citizens of different States, suit shall be brought only in the district of the residence of either the plaintiff or the defendant."

28 U.S.C. § 1406. Cure or waiver of defects.

"(a) The district court of a district in which is filed a case laying venue in the wrong division or district shall transfer such case to any district or division in which it could have been brought."

§ 11-306—D. C. Code. General jurisdiction.

"Said court (except as otherwise provided in this title) shall have cognizance of all crimes and offenses committed within said district and of all cases in law and equity between parties, both or either of which shall be resident or be found within said district and also of all actions or suits of a civil nature at common law or in equity, in which the United States shall be plaintiffs or complainants; and of all seizures on land or water, and all penalties and forfeitures made, arising or accruing under the laws of the United States."

§ 11-308—D. C. Code. Actions—Limitation upon—Inhabitants or sojourners in District of Columbia.

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* This brief, like the petition and the opinion of the court below, refers throughout to the statute as phrased when suit was filed and at the time of the District Court decision. The Court of Appeals noted the fact that this section was rephrased and codified as 28 U.S.C. Sec. 1391(b) effective September 1, 1948, but found no substantive change (R. 75 n. 2) and this conclusion is undisputed.

"No action or suit shall be brought in the District Court of the United States for the District of Columbia by original process against any person who shall not be an inhabitant of, or found within, the District, except as otherwise specially provided."

Constitution: Article I, Section 8, Clause 17.

"The Congress shall have Power . . .

"Cl. 17. To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—"

Constitution: Article III, Section 1.

"The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office."

Constitution: Article III, Section 2.

"Cl. 1. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State,

or the Citizens thereof, and foreign States, Citizens or Subjects."

Federal Rules of Civil Procedure.

"Rule 23. Class Actions.

"(a) Representation. If persons constituting a class are so numerous as to make it impracticable to bring them all before the court, such of them, one or more, as will fairly insure the adequate representation of all may, on behalf of all, sue or be sued, when the character of the right sought to be enforced for or against the class is

(1) joint, or common, or secondary in the sense that the owner of a primary right refuses to enforce that right and a member of the class thereby becomes entitled to enforce it;

(2) several, and the object of the action is the adjudication of claims which do or may affect specific property involved in the action; or

(3) several, and there is a common question of law or fact affecting the several rights and a common relief is sought."

The Labor Management Relations Act, 1947 (Public Law No. 101, Chapter 120, 80th Cong., 1st Sess.), including the National Labor Relations Act as amended:

"Sec. 101. The National Labor Relations Act is hereby amended to read as follows:

* * * * * * *

"Sec. 2. When used in this Act—

* * * * * * *

"(2) The term 'employer' includes any person acting as an agent of an employer, directly or indirectly, but shall not include the United States or any wholly owned Government corporation, or any Federal Reserve Bank, or any State or political subdivision thereof, or any corporation or association operating a hospital, if no part of the net earnings inures to the

benefit of any private shareholders or individual, or any person subject to the Railway Labor Act, as amended from time to time, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization.

"(3) The term 'employee' shall include any employee, and shall not be limited to the employees of a particular employer, unless the Act explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment, but shall not include any individual employed as an agricutural laborer, or in the domestic service of any family or person at his home, or any individual employed by his parent or spouse, or any individual having the status of an independent contractor, or any individual employed as a supervisor, or any individual employed by an employer subject to the Railway Labor Act, as amended from time to time, or by any other person who is not an employer as herein defined.

* * * * * * *

"(5) The term 'labor organization' means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

* * * * * * *

"Sec. 301. (c) For the purposes of actions and proceedings by or against labor organizations in the district courts of the United States, district courts shall be deemed to have jurisdiction of a labor organization (1) in the district in which such organization main-

tains its principal office, or (2) in any district in which its duly authorized officers or agents are engaged in representing or acting for employee members.

• • • • • • •

"Sec. 501. When used in this Act—

• • • • • • •

"(3) The terms 'commerce', 'labor disputes', 'employer', 'employee', 'labor organization', 'representative', 'person', and 'supervisor' shall have the same meaning as when used in the National Labor Relations Act as amended by this Act."